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Practitioner's Docket No. P287-USa1 (previously P287-US1)



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In application of: HALL, Dennis G.

Application No.: 09/943,465

Group Art Unit: N/A

Filed: August 31, 2001

Examiner: N/A

For: PREPARATION AND USES OF CONJUGATED SOLID SUPPORTS FOR BORONIC ACIDS

09/943,465 00000057 195113 09943465

130.00 US

December 17, 2001

Commissioner for Patents
Washington, D.C. 20231

Petition to Establish Prior Receipt in the P.T.O. of Item(s)
Considered as Omitted by the P.T.O. – Response to
Notice To File Missing Parts Noting Omitted Items

Dear Sir:

This is in response to the Notice to File Missing Parts mailed for this application on October 29, 2001, in which it is noted that Figures 22 and 24 appear to have been omitted. A copy of the Notice is enclosed.

Applicant asserts that the items indicated as omitted were in fact deposited with the P.T.O. with the original application papers filed on August 31, 2001.

In accordance with the requirements of the Notice of June 5, 1996, 61 Fed. Reg. 30,041-30,046, applicant hereby:

- A. Petitions under 37 section 1.53(e) for a review of the determination that the items in issue were omitted;
- B. Submits the petition fee under 37 section 1.17(i) and
- C. Submits the attached evidence of the deposit of the items in issue.
- D. Submits a copy of Figures 22 and 24 as filed with the application in the U.S.P.T.O. on August 31, 2001 as evidenced by the attached copy of the return post card indicating that 14 pages of drawings were in fact received by the U.S.P.T.O. upon hand delivery of the subject application.

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OFFICE OF PETITIONS

On August 31, 2001, a copy of the subject application was hand delivered to the U.S.P.T.O. Upon receipt in the U.S.P.T.O., a return receipt card indicating 14 sheets of drawings was date stamped by the O.I.P.E. This return receipt card was forwarded to us by our associate who hand delivered the application to the U.S.P.T.O. on August 31, 2001 on our behalf.

Subsequently, a second return receipt card was forwarded to us by the U.S.P.T.O. indicating that only 13 pages of drawings were received while 14 pages of drawings were listed on the return receipt card. A copy of this second return receipt card is attached as evidence for review.

Applicant submits that the first date stamped return receipt card which itemized and properly identified 14 pages of figures as being filed serves as prima facie evidence of receipt in the U.S.P.T.O. of all items listed thereon on the date stamped thereon by the Patent Office.

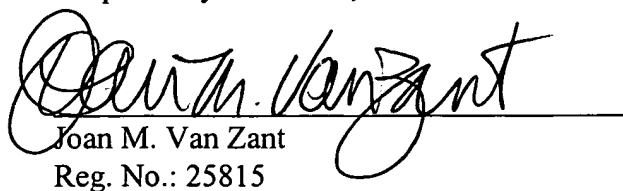
In the event that the Petition to Establish Prior Receipt in the P.T.O. of Omitted Items in Issue does not result in a decision by the P.T.O. that the items in issue were indeed received by the P.T.O. on the original file date for this application, applicant hereby wishes to maintain the filing date of August 31, 2001 of the original deposit of the application papers in the P.T.O, and the original application will contain only those application papers present in the P.T.O on the August 31, 2001 date of deposit.

U.S. Authorization is hereby made to charge the amount of \$130.00 to Deposit Account No. 195113, and to charge any additional fees required by this paper or credit any overpayment in the manner authorized above to Deposit Account No. 195113.

A duplicate of this paper is attached.

It is respectfully requested that, upon grant of the petition under 37 section 1.53(e), the petition fee be refunded by a credit to the deposit account authorized above.

Respectfully submitted,


Joan M. Van Zant
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Attachments: Evidence of Deposit of Item(s) with Application Indicated as
Omitted in the "Notice of Omitted Item"